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NO. 9644

P. 3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Begon et al

Examiner: Pulliam, Amy E

Application No.:

10/075,213

Art Unit:

1615

Filed:

February 13, 2002

Title: **PROCESS FOR PRODUCING FINE
MEDICINAL SUBSTANCES**

RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Commissioner for Patents

Washington, D.C. 20231

Sir:

This response is to the Examiner's Office Action, mailed April 23, 2003.

The Examiner has required restriction to one of the inventions described by the Examiner's Groups I-III (Office Action at page 2).

Applicants respectfully provisionally elect Group I with traverse. Applicants further provisionally elect the species, triamcinolone acetonide, in order to comply with the Examiner's requirement.

The Examiner's attention is drawn to MPEP §803 which states, "There are two criteria for restriction between patentably distinct inventions: (1) The inventions must be independent...or distinct as claimed...and (2) There must be a serious burden on the examiner if restriction is not required." (emphasis added).

In the instant case, Group I is directed to a method of producing medicament particles; Group II is directed to medicament particles produced by the method of Group I; and Group III is directed to an apparatus for carrying out the method of Group I. Therefore it is respectfully submitted that, a search for art of the invention of Group I, should also uncover the art relating to the inventions of Group II and III. Thus, pursuant to MPEP § 803, restriction should not be required as there is no serious burden on the Examiner.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

Applicants reserve the right to pursue the non-elected subject matters in one or more divisional applications prior to issuance of a patent on the instance application.

Enclosed herewith is a Petition For Extension of Time Under 37 CFR 1.136(a) for 1 month, or until June 20, 2003.

Any additional fees or charges required at this time in connection with the application may be charged to our Patent and Trademark Office Deposit Account No. 18-1982.

Respectfully submitted,



Peter L. Dolan, Reg. No. 46,307
Attorney for Applicant

Aventis Pharmaceuticals Inc.
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-2470
Telefax (908) 231-2626
Aventis Docket No. USFI5026US CNT